IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 5644 OF 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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GUJARAT ELECTRICITY BOARD - Petitioner(s)

Versus

HITENDRABHAI CHHITUBHAI PATEL & ORS. - Respondent(s)

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Appearance :
Shri S.D. Suthar for Petitioner(s) : 1 - 3.
Shri C.G. Govindan for Respondent(s) : 1.
None for Respondent(s) : 2 though served.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 31/07/2007

ORAL JUDGMENT

The parties are heard.

2. The claim of respondent No.1-workman was that he being an employee of the petitioner-Gujarat Electricity Board, the Electricity Board be directed to pay the wage dues. The learned Labour Court allowed the reference and made the award in favour of respondent No.1.

3. An identical issue had come up before the Division Bench of this Court in Special Civil Application No.3520 of 1991. *Vide* the judgement dated 2nd December, 1992, the Division Bench observed that the appointment of '*Vijligars*' was not made by the Gujarat Electricity Board; in fact, the appointments were made by different panchayats subject to approval by the Gujarat Electricity Board and the Gujarat Electricity Board was to pay some fixed amount to the panchayats to reimburse the salary.

4. In view of the said judgement of the Division Bench, the award made by the learned Labour Court cannot be upheld. It deserves to and is, accordingly, set aside. It is, however, made clear that if respondent No.1 has any cause of action against the panchayat, which is now held to be his appointing authority, then, he would be free to take appropriate action against the panchayat. Rule is made absolute. No costs.

[R.S.Garg, J.]

*kamlesh**